



5. The Parties have yet to engage in any discovery in this case, including discovery requests or depositions. Further, until now all the relevant records of have been in the possession and control of the United States Attorney for the Northern District of Texas since approximately September 2020, when the FBI seized them. Defendants have heard only last week that the Receiver now has possession of these documents. Defendants' new counsel intends immediately to work with the Receiver to obtain such documents.

6. Defendants anticipate this case will involve review of all documents now in the possession of the Receiver as well as document requests to obtain additional documents from parties and non-parties, depositions of relevant witness, and multiple expert reports and expert discovery including expert depositions. Given that there are several business entities at issue and customers of Defendant TMTE, Inc., Defendants also anticipate several non-party witness depositions.

7. Another relevant factor is the time that will be needed for document collection, review, and production, which must be completed before depositions can efficiently occur. The parties, to date, have exchanged no documents, and counsel for Mr. Asher and Mr. Batashvili does not yet have access to many of the personal or corporate records relevant to the issues before the Court.

8. Relatedly, while the transfer of the files of Defendants' prior counsel have begun, new counsel will require time to review those files and collect relevant information.

9. The extended deadlines and trial setting are not requested for the purposes of delay but to ensure an orderly progression of this case to conduct adequate discovery and prepare for trial.

10. Therefore, in consideration of the imminent withdrawal of their counsel and the quickly approaching discovery and trial dates, Defendants respectfully request that the Court

grant a new scheduling order to allow Defendants' incoming counsel adequate and sufficient opportunity to prepare a proper defense. This additional time will allow Defendants' incoming counsel additional time to review the case and to conduct all necessary investigation.

11. Email communication dated December 22, 2022 between Christine Ryall of the CFTC, on behalf of the CFTC and of all state plaintiffs, and Elisha Kobre and Kristina Reliford of Bradley Arant Boult Cummings LLP, confirms Plaintiffs do not oppose this motion for the requested continuance.

For the foregoing reasons, Defendants respectfully request that the Court grant this Motion for Continuance extending the scheduling order deadlines, mediation, and trial setting by 90 days beginning with the January 4, 2023 deadline to designate expert witnesses, and to enter an Amended Scheduling Order.<sup>1</sup> Defendants further requests any other relief to which it may be entitled.

Respectfully submitted

**/s/ Heath Hyde**

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<sup>1</sup> Defendants reserve the right to request additional extensions to the case calendar.

**CERTIFICATE OF CONFERENCE**

I, Heath Hyde, hereby certify that I have conferred with opposing Counsel, Christine Ryall, and she is unopposed to the filing of this motion.

**/s/ Heath Hyde**

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**HEATH HYDE**

**CERTIFICATE OF SERVICE**

I, Heath Hyde, hereby certify that I have provided a copy of this motion opposing counsel and all involved parties by either the CM/ECF system and/or by email on the 28<sup>th</sup> day of December, 2022.

**/s/ Heath Hyde**

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**HEATH HYDE**